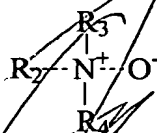


Claim 5, line 2, delete "Magnesium" and insert therefor --magnesium--.

**5** Claim ~~7~~ (twice amended). A composition according to Claim 1 wherein said amine oxide surfactant is of the formula:



BZ wherein  $R_2$  represents a straight or branched alkyl or alkenyl group having 10 to 16 carbon atoms, and  $R_3$  and  $R_4$  each represent a  $C_1$  to  $C_4$  hydrocarbon chain[, preferably a methyl group or an ethyl group].

**6** Claim ~~8~~ (twice amended). A composition according to Claim 1 which is a clear liquid[, preferably] packaged in a transparent container.

Cancel Claims 6 and 11.

#### REMARKS

Claims 1-5 and 7-10 are now in the case.

The specification has been amended to provide the Abstract on a separate sheet.

As discussed hereinafter, the claims have been amended by deletion of certain matter in response to the Examiner's formal objections/rejections.

Claim 1 has been amended to specify the structure of the alkyl alkoxy sulphate. Basis is found in Claim 6 and at page 2, paragraphs 4 and 5.

In view of the fact that the amendments add no new matter, entry is requested.

#### Rejections under 35 U.S.C. §101/112

The rejection of Claim 11 under 35 U.S.C. §101/112 has been obviated by the cancellation of that claim.

Claims 6 and 8 stand rejected under 35 U.S.C. §112 for reasons of record at pages 2-3 of the Office Action. Claim 6 has been canceled. It is submitted that removal of the "preferably" language from Claim 8 satisfies the requirements of 35

U.S.C. §112. (For the record, Claim 7 has also been amended to remove this language.)

With respect to the use of the term "clear liquid" in Claim 8, it is submitted that this term is proper, inasmuch as it specifies the aesthetics of the claimed liquid product. Likewise, the term "transparent container" specifies the invention as a whole with respect to the clear, liquid embodiment.

In light of the amendments presented herewith, it is submitted that all claims meet the requirements of 35 USC §112. Withdrawal of all rejections is therefore requested.

#### Rejections Under 35 USC §103

Before turning to the specific grounds of rejection, attention is directed to the holdings in the *Graham v. John Deere* case cited by the Examiner.

It is basic patent law that the rejection of the present invention under 35 U.S.C. § 103 must comport with the classic standard set forth in *Graham v. John Deere Company* 383 US 1, 148 USPQ 459 (1966), codified in MPEP Section 706. The Supreme Court's guidance in that landmark case, requires that, to establish a *prima facie* case of obviousness, the USPTO must:

- (1) Set forth the differences in the claims over the applied references;
- (2) Set forth the proposed modification of the references which would be necessary to arrive at the claimed subject matter; and
- (3) Explain why the proposed modification would be obvious.

To satisfy Step (3), the Patent Office must identify where the prior art provides a motivating suggestion to make the modification proposed in Step (2). See *In re Jones*, 958 F2d 347, 21 USPQ 2d 1941 (Fed. Cir. 1992). The mere fact that the prior art may be modified as suggested by the Patent Office does not make the modification obvious unless the prior art suggests the desirability of the modification. See *In re Fritch*, 922 F2d 1260, 23 USPQ 2d 1780 (Fed. Cir. 1992).

All claims stand rejected under 35 USC 103 over U.S. 5,387,373 for reasons given at pages 5-7 of the Office Action. Applicants respectfully traverse the rejection on this basis.

The Examiner's attention is directed to column 4 of the '373 reference, beginning at line 3, wherein the alkyl ether sulphates contemplated by inventor are described. It is noted that C<sub>10</sub>-C<sub>18</sub> alkyl groups are contemplated. However,

branched-chain alkyl groups of the typed required in the present invention are not contemplated.

It is submitted that this lack of disclosure of branched-chain alkyl ether sulphates is not an oversight on the part of the patentees in '373. For example, in describing the primary alkyl sulphate surfactants used in the '373 compositions, the patentees clearly contemplate the use of branched-chain materials. (See column 3, lines 55-59.) Likewise, with respect to the optional amine oxides which can be used in the '373 compositions, the patentees clearly teach that they can be straight or branched-chain alkyl. (See column 5, line 5.) Yet, the disclosure in '373 with regard to the alkyl ether sulphates would appear to be entirely silent upon the use of branched-chain alkyl substituents.

In the instant application, the use of branched-chain alkoxyated sulphates is key. The problem addressed by Applicants is that of low temperature instability. As noted in the specification at page 5, first paragraph, the branched alkyl alkoxyated sulphate surfactants (another name for alkyl ether sulphates) solves this problem.

It is submitted that patentees in '373 contemplated the use of branched-chain surfactants other than the key alkyl alkoxyated sulphates. Clearly, however, they did not, in fact, disclose or suggest the use of chain-branching in this class of surfactants, which is the gist of the present invention. Accordingly, it is submitted that there is no motivation for one to substitute the branched-chain alkyl alkoxyated sulphates for the unbranched alkyl alkoxyated sulphates in '373 to overcome the problem of low temperature instability in the manner of the present invention. While it may be true that the patentees in '373 have provided stable compositions, it is submitted that they have done so using an entirely different technique than that of the present invention. Accordingly, reconsideration and withdrawal of the rejection over '373 are respectfully requested.

Claims 1-8 and 11 stand rejected under 35 USC §103 over U.S. 5,858,950 for reasons of record at pages 7-9 of the Office Action. Applicants respectfully traverse the rejection on this basis.

The '950 reference relates to liquid detergent compositions which can contain a branched anionic surfactant and which are formulated to be low-sudsing. (See abstract and column 1, line 38, wherein it is taught that "sudsing is reduced".)

By contrast, the compositions of the present invention are formulated not only to be stable, but also to provide good sudsing (see specification at page 5, second paragraph), good grease removal performance (see specification at page 4, 3<sup>rd</sup> full paragraph) and skin mildness (see specification at page 4, 4<sup>th</sup> full paragraph).

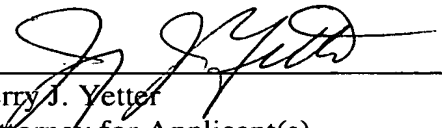
In order to achieve these effects, Applicants herein have balanced their compositions to employ only the specified amount of total branched-chain alkyl alkoxyated sulphate. Moreover, said alkyl alkoxy sulphate has a restricted chain length range and a restricted degree of alkoxylation. Moreover, the alkyl alkoxyated sulphate component contains unbranched alkyl alkoxy sulphate, and the composition further contains the amine oxide as an essential ingredient. (See the specification at page 3, 4<sup>th</sup> and 5<sup>th</sup> full paragraphs.) In short, the entire purpose of the present invention is to provide high sudsing, high grease cutting, mild-to-the-skin, yet stable, compositions by the proper selection of the specified components. It is submitted that nothing in the '950 reference, which clearly relates only to low-sudsing detergent compositions, teaches or suggests this specific combination of ingredients. Indeed, it might fairly be stated that one seeking to provide high sudsing dishwashing-type compositions which are the subject matter of the present invention (high sudsing is notoriously important in hand dishwashing operations) would not be led to even consider the teachings of '950 which relate to low sudsing compositions. In short, the '950 reference would, it is submitted, be considered non-pertinent art with regard to the present invention.

In light of the selection of specific parameters recited in the claims as amended herein to define the disclosed ingredients and in view of the fact that the '950 reference teaches away from the formulation of high sudsing liquid compositions, it is submitted that the present invention as now specifically claimed is neither taught nor suggested by '950 in the sense of 35 USC §103. In view of the case law cited above, it is further submitted that there would be no motivation

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Respectfully submitted,

  
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